FILED
02-13-07
02:04 PM

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider the Adoption of a General Order and Procedures to Implement the Digital Infrastructure and Video Competition Act of 2006.	R.06-10-005

REPLY COMMENTS

OF SUREWEST TELEVIDEO (U 6324 C)

ON PROPOSED DECISION MAILED JANUARY 16, 2007

E. Garth Black
Mark P. Schreiber
Sean P. Beatty
Patrick M. Rosvall
COOPER, WHITE & COOPER LLP
201 California Street, 17th Floor
San Francisco, California 94111
Telephone: (415) 433-1900
Facsimile: (415) 433-5530

Attorneys for SureWest TeleVideo

February 13, 2007

TABLE OF CONTENTS

I. INTRODUCTION.

Pursuant to Rule 14.3(d) of the Commission's Rules of Practice and Procedure, SureWest TeleVideo ("SWT") files these reply comments on the proposed decision ("PD") addressing implementation of the statutory provisions of the Digital Infrastructure and Video Competition Act of 2006 ("DIVCA").

In these reply comments, SWT identifies areas of agreement with other parties' opening comments outlining instances where the PD and draft general order exceed the provisions of DIVCA or where the PD and draft general order could be modified to provide more flexibility or to eliminate onerous, unintended outcomes. In particular, the Commission should make changes to the PD and draft general order in areas such as data reporting requirements, bonding, build-out, and definition of "telephone service area."

In opening comments, some parties perceive that the Commission's administration of DIVCA should track the historical regulation of public utilities that has been the Commission's primary obligation since its creation. However, starting with the law that the "holder of a state franchise shall not be deemed a public utility,"[1] it is clear that DIVCA presents a different role for the Commission. Not only do proposals to create extensive oversight and monitoring programs within the Commission run afoul of the non-utility status of video providers, those proposals exceed the explicit grant of authority provided to the Commission under DIVCA. SWT supports the Commission's adherence to DIVCA as well as its statements that it will not adopt proposals outside the scope of statutory authority and that it will only adopt regulations if they are necessary for enforcement of specific DIVCA provisions.

II. THE COMMISSION SHOULD FURTHER REFINE THE DRAFT GENERAL ORDER.

A. Applying Video Rules to All Affiliates is Too Broad.

In its opening comments, SWT suggested that applying new video rules to all affiliates of a state franchise holder exceeded the scope of DIVCA and proposed that the Commission should limit application of the new general order, in particular broadband reporting requirements, to those services which are provided over video facilities.[2] In its opening comments, Verizon California Inc. ("Verizon") expresses the same concern, arguing convincingly that DIVCA is limited to wireline-based services, facilities and companies.[3] To address this issue, SWT concurs with Verizon's proposed fixed reflected

[1] Cal. Public Util. Code § 5820(c).

[2] SWT Opening Comments, p. 2.

[3] Verizon Opening Comments, p. 4.

in Verizon's markup of the draft general order. Specifically, the word "wireline" should be inserted into Rule VI.B.1 prior to the word "Affiliates," or the Commission could specifically limit reporting requirements to wireline facilities, as SureWest suggested in its opening comments.

B. The Commission Should not Require a Pre-Application Process for Smaller Providers.

The PD would require smaller video providers who are not subject to the strict build-out requirements in Section 5890(b) and (e) to undertake a pre-application process to identify rigid build-out requirements.[4] In its opening comments, the California Cable and Telecommunications Association ("CCTA") shared SWT's concerns that such a process is unnecessary.[5] As CCTA's discussion demonstrates, applying video build-out requirements that rely on telephone service as the measuring stick when the company's primary line of business is offering video reveals the nullity of such standards. To apply a build-out requirement to an incumbent cable provider, for example, that says an incumbent cable provider must provide video service to each of its telephone customers within a reasonable time makes no sense because an incumbent cable provider only provides telephone service where its video facilities permit it to do so. The conclusion to draw from this outcome is that the Legislature must have intended the build-out requirement in Section 5890(c) to apply only to incumbent local exchange carrier ("ILECs") service areas where such carriers offer telephone service first and may add video services at a later time.

Based on these circumstances, SWT supports the principles underlying CCTA's comments and suggests the following. First, the Commission should declare in the PD that small incumbent cable companies do not need to undergo a pre-application process. Second, the Commission should retain flexibility in how a smaller ILEC demonstrates compliance with the "reasonable time" build-out standard reflected in Section 5890(c). If a small ILEC wishes to pursue a pre-application build-out evaluation with the Commission, that should be permitted. The Commission should also consider a separate phase to create safe harbor build-out standards that could apply to small ILECs. Ultimately, however, each small ILEC should be permitted to demonstrate that it is in compliance with the build-out requirements embodied in DIVCA by referencing its own unique circumstances.

C. The Definition of "Telephone Service Area" Should Rely on an Actual Footprint.

In its opening comments, CCTA echoes SWT's concerns regarding the definition of "Telephone Service Area."[6] The draft general order currently defines the term to include the entire area covered by a

---

[4] PD, pp. 153-155.

[5] CCTA Opening Comments, pp. 4-7.

[6] CCTA Opening Comments, p. 6 fn. 2, pp. 7-8.

certificate of public convenience and necessity, not just where a company is actually providing telephone service. Because of this overly broad definition, franchise holders would have to provide information to the Commission for areas in which they do not provide service. Furthermore, the overly broad definition would lead to an outcome under DIVCA that a CLEC with statewide telephone authority would have to provide video service to the entire authorized service area.[7] As CCTA states, "the Legislature had no intent to *require* incumbent cable applicants, or other similarly situated CLECs, to expand their existing video service footprint throughout the state merely because their CPCN authorizes such service."[8] To address this issue, the Commission should base the definition of "telephone service area" on the area in which a company actually provides telephone service, i.e., its existing network footprint.

D. Build-out Standards Should Apply to the Entire Franchise Area.

In AT&T California's ("AT&T's") opening comments, it requests that the Commission clarify that build-out requirements apply to the entire franchise area, and not separately to non-contiguous geographic areas within the entire franchise area.[9] SWT agrees with the principle identified in AT&T's comments. A provider's compliance with DIVCA should be based on its deployment of video services within its entire franchise area and not on sub-sets of the franchise area.

E. Bonding Issues.

Two issues related to bonding arose in opening comments that are of particular interest to SWT. First, AT&T urges the Commission to clarify that the Commission does not intend to create authority in local jurisdictions to require bonds (or other similar security instruments) where such authority may not have previously existed, nor does it intend to suggest that local jurisdictions should require security instruments when they are not now currently doing so.[10] SWT shares AT&T's concern. DIVCA does not, and the Commission rules should not, create further local authority in this area.

Second, several parties urge the Commission to introduce more flexibility into the security instrument requirements.[11] These include a guarantee by the parent company or letter of credit versus a bond requirement. In SWT's experience, local jurisdictions are satisfied with letters of credit, and SWT

---

[7] *See* Cal. Public Util. Code § 5890(c) (offering video service to all customers within a "telephone service area" is a measurement of non-discrimination).

[8] CCTA Opening Comments, p. 7 (emphasis in original).

[9] AT&T Opening Comments, pp. 4-5.

[10] AT&T Opening Comments, pp. 2-4.

[11] CCTA Opening Comments, pp. 8-9; Small LEC Opening Comments, p. 7.

finds them more easily administered than bonds. The Commission should permit a franchise applicant to rely on a parent company's guarantee or a letter of credit in addition to a bond as part of the application process.

F. The Commission Should Recognize Differences between Census Standards and Service Areas.

Both AT&T and Verizon point out that service areas may not track census population measurement units referenced in DIVCA.[12] Consistent with these comments, the Commission should clarify that providers are not required to conform their service areas to population units created by the Census Bureau.

III. THE COMMISSION SHOULD RESIST EFFORTS TO APPLY TRADITIONAL REGULATORY FRAMEWORKS TO ITS VIDEO FRANCHISING ROLE.

A number of commenting parties purporting to represent consumer interests ignore the statutory framework of DIVCA and urge the Commission to adopt an array of proposals that would make video service providers regulated as if they were public utilities. Because DIVCA specifically states that video service providers are not public utilities, the Commission should not adopt those parties' proposals. Space does not permit SWT to refute each of the proposals. However, SWT does address the "cross-subsidy" issue, intervenor compensation, and the role of the Division of Ratepayer Advocates ("DRA"). To repeat a theme from SWT's comments at all stages of this proceeding, any rules the Commission adopts should recognize the limited authority granted to it under DIVCA to regulate video service providers.

A. The PD Properly Addresses the Cross-Subsidy Limitations in DIVCA.

In their opening comments, The Utility Reform Network ("TURN") and DRA urge the Commission to collect "highly detailed and disaggregated data" to ensure that cross-subsidization is not occurring.[13] The defect in the TURN/DRA position is that they ignore the explicit language of DIVCA. Specifically, DIVCA prohibits a state franchise holder from raising the rate for residential, primary line, basic telephone service to finance the cost of deploying video service.[14] DIVCA also places a freeze on that rate for two years, subject to adjustment for inflation.[15] Relying on these two provisions, TURN/DRA apparently assume DIVCA intended the Commission to inject itself into every form of

---

[12] AT&T Opening Comments, pp. 5-6; Verizon Opening Comments, p. 10-11.

[13] TURN Opening Comments, p. 4; *see also* DRA Opening Comments, pp. 8-12.

[14] Cal. Public Util. Code § 5940.

[15] Cal. Public Util. Code § 5950.

possible cross-subsidization imaginable. TURN/DRA are wrong. The only area properly subject to Commission scrutiny in its role as a video services franchisor are rate increases for basic residential telephone service that exceed inflation.

In fact, if the telephone service provider of a video franchise affiliate never raises its basic residential rate, there is no conceivable violation of Section 5940. The only point at which the Commission may concern itself is if the basic residential rate is increased greater than the aggregate inflation index. At that time, the Commission may consider undertaking an investigation if it deems necessary. However, TURN/DRA would impose onerous and costly reporting requirements in excess of the statutory authority granted in DIVCA based simply on their misplaced philosophical beliefs regarding cross-subsidization generally. TURN/DRA's proposals on the "cross-subsidy" issue should be rejected.

B. The PD Appropriately Denies Intervenor Compensation.

SWT believes the PD is correct to deny the availability of intervenor compensation in the context of franchise applications. First, video franchisees are not utilities and thus intervenor compensation related to video franchise matters are not contemplated under DIVCA. Second, DIVCA represents an effort to transfer the franchise process from local jurisdictions to a more centralized state administration. SWT is not aware of intervenor compensation that exists at the local level, and absent that precedent, it would be a stretch to assume that DIVCA intended intervenor compensation to now become available simply because the CPUC is administering the franchise process.

C. Role of DRA.

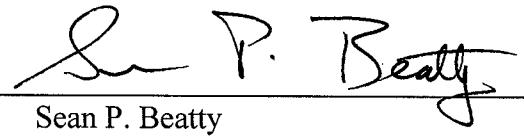
In response to DRA's concerns regarding limitations imposed upon it by the PD, SWT simply notes that the Commission should be directed by the explicit provisions of DIVCA. Based on the way DIVCA is drafted, and specifically Section 5900(k), it is clear that the Legislature did not intend DRA to operate unfettered in the realm of video service matters. SWT believes the PD's limitations can be justified under the narrow grant of authority provided DRA under DIVCA and no changes need to be made.

IV. CONCLUSION.

The Commission should make the modifications recommended in SWT's comments and proceed with the implementation of video franchising at its earliest opportunity.

Dated this 13th day of February, 2007, at San Francisco, California.

E. Garth Black
Mark P. Schreiber
Sean P. Beatty
Patrick M. Rosvall
COOPER, WHITE & COOPER LLP
201 California Street, 17th Floor
San Francisco, CA 94111
Telephone: (415) 433-1900
Facsimile: (415) 433-5530

By: 

Sean P. Beatty
Attorneys for SureWest TeleVideo

CERTIFICATE OF SERVICE BY MAIL

I, Noel Gieleghem, declare:

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is COOPER, WHITE & COOPER LLP, 201 California Street, 17th Floor, San Francisco, CA 94111.

On February 13, 2007, I served the following REPLY COMMENTS OF SUREWEST TELEVIDEO (U 6324 C) ON PROPOSED DECISION MAILED JANUARY 16, 2007 by placing a true and correct copy thereof with the firm's mailing room personnel, for mailing in accordance with the firm's ordinary practices, addressed to the parties on the CPUC service list for Proceeding No. R. 06-10-005.

Copies were also hand delivered to Assigned ALJ Sullivan and Assigned Commissioner Chong.

Copies were also served via e-mail on those parties on the service list who provided an e-mail address.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2007, at San Francisco, California.

Noel Gieleghem

SERVICE LIST

CPUC Service List as of February 5, 2007
Proceeding No. R. 06-10-005

ALLEN S. HAMMOND, IV
PROFESSOR OF LAW
SANTA CLARA UNIVERSITY
SCHOOL OF LAW
500 EL CAMINO REAL
SANTA CLARA, CA 94305

APRIL MULQUEEN
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF STRATEGIC PLANNING
ROOM 5119
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ANN JOHNSON
VERIZON
HQE02F61
600 HIDDEN RIDGE
IRVING, TX 75038

ALOA STEVENS, DIRECTOR,
GOVERNMENT&EXTERNAL AFFAIRS
FRONTIER COMMUNICATIONS
PO BOX 708970
SANDY, UT 84070-8970

ANNE NEVILLE
CALIF PUBLIC UTILITIES COMMISSION
CARRIER BRANCH
AREA 3-E
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

ALIK LEE
CALIF PUBLIC UTILITIES COMMISSION
TELECOMMUNICATIONS &
CONSUMER ISSUES BRANCH
ROOM 4101
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

BARRY FRASER
CIYT OF SAN FRANCISCO
875 STEVENSON STREET, 5TH FLOOR
SAN FRANCISCO, CA 94103

WILLIAM HUGHES
ASSISTANT CITY ATTORNEY
CITY OF SAN JOSE
16TH FLOOR
200 EAST SANTA CLARA STREET
SAN JOSE, CA 95113-1900

BARRY F. MCCARTHY, ESQ
ATTORNEY AT LAW
MCCARTHY & BARRY LLP
100 PARK CENTER PLAZA, SUITE 501
SAN JOSE, CA 95113

BILL NUSBAUM
THE UTILITY REFORM NETWORK
711 VAN NESS AVENUE, SUITE 350
SAN FRANCISCO, CA 94102

BOB WILSON
300 N. FLOWER STREET, 813
SANTA ANA, CA 92703-5000

CHARLES BORN, MANAGER
GOVERNMENT & EXTERNAL AFFAIRS
FRONTIER COMMUNICATIONS
OF CALIFORNIA
9260 E. STOCKTON BLVD.
ELK GROVE, CA 95624

RICHARD CHABRAN
CALIFORNIA COMMUNITY
TECHNOLOGY POLICY
1000 ALAMEDA STREET, SUITE 240
LOS ANGELES, CA 90012

GERALD R. MILLER
CITY OF LONG BEACH
333 WEST OCEAN BLVD.
LONG BEACH, CA 90802

CYNTHIA J. KURTZ, CITY MANAGER
CITY OF PASADENA
117 E. COLORADO BLVD., 6TH FLOOR
PASADENA, CA 91105

CHRISTINE MAILLOUX, ATTORNEY AT LAW
THE UTILITY REFORM NETWORK
711 VAN NESS AVENUE, SUITE 350
SAN FRANCISCO, CA 94102

DAVID HANKIN
VP, GOVERNMENT AFFAIRS
RCN CORPORATION
1400 FASHION ISLAND BLVD., SUITE 100
SAN MATEO, CA 94404

DAVID J. MILLER
ATTORNEY AT LAW
AT&T CALIFORNIA
525 MARKET STREET, ROOM 2018
SAN FRANCISCO, CA 94105

DELANEY HUNTER
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
770 L STREET, SUITE 1050
SACRAMENTO, CA 95814

DOUGLAS GARRETT
COX COMMUNICATIONS
2200 POWELL STREET, STE. 1035
EMERYVILLE, CA 94608

DAVID C. RODRIGUEZ
STRATEGIC COUNSEL
523 WEST SIXTH STREET, SUITE 1128
LOS ANGELES, CA 90014

EDWARD RANDOLPH, CHIEF CONSULTANT
ASSEMBLY COMMITTEE/UTILITIES
AND COMMERCE
STATE CAPITOL
SACRAMENTO, CA 95814

ELAINE M. DUNCAN
ATTORNEY AT LAW
VERIZON
711 VAN NESS AVENUE, SUITE 300
SAN FRANCISCO, CA 94102

ENRIQUE GALLARDO
LATINO ISSUES FORUM
160 PINE STREET, SUITE 700
SAN FRANCISCO, CA 94111

ESTHER NORTHRUP
COX CALIFORNIA TELCOM, LLC
5159 FEDERAL BLVD.
SAN DIEGO, CA 92105

FASSIL FENIKILE
AT&T CALIFORNIA
525 MARKET STREET, ROOM 1925
SAN FRANCISCO, CA 94105

MICHAEL J. FRIEDMAN, VICE PRESIDENT
TELECOMMUNICATIONS
MANAGEMENT CORP.
5757 WILSHIRE BLVD., SUITE 645
LOS ANGELES, CA 90036

GREG R. GIERCZAK, EXECUTIVE DIRECTOR
SURE WEST TELEPHONE
PO BOX 969
200 VERNON STREET
ROSEVILLE, CA 95678

GREG FUENTES
11041 SANTA MONICA BLVD., NO.629
LOS ANGELES, CA 90025

GRANT KOLLING
SENIOR ASSISTANT CITY ATTORNEY
CITY OF PALO ALTO
250 HAMILTON AVENUE, 8TH FLOOR
PALO ALTO, CA 94301

GLENN SEMOW, DIRECTOR STATE
REGULATORY & LEGAL AFFAIRS
CALIFORNIA CABLE &
TELECOMMNICATIONS
360 22ND STREET, NO. 750
OAKLAND, CA 94612

GREG STEPHANICICH
RICHARDS, WATSON & GERSHON
44 MONTGOMERY STREET, SUITE 3800
SAN FRANCISCO, CA 94104-4811

GRANT GUERRA
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 7442
SAN FRANCISCO, CA 94120-7442

TIM HOLDEN
SIERRA NEVADA COMMUNICATIONS
PO BOX 281
STANDARD, CA 95373

IZETTA C.R. JACKSON
OFFICE OF THE CITY ATTORNEY
CITY OF OAKLAND
1 FRANK H. OGAWA PLAZA, 10TH FLR.
OAKLAND, CA 94103

MARGARET L. TOBIAS
TOBIAS LAW OFFICE
460 PENNSYLVANIA AVENUE
SAN FRANCISCO, CA 94107

JENNIE CHANDRA
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5141
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JOE CHICOINE, MANAGER
STATE GOVERNMENT AFFAIRS
FRONTIER COMMUNICATIONS
PO BOX 340
ELK GROVE, CA 95759

JOSEPH WANZALA
CALIF PUBLIC UTILITIES COMMISSION
TELECOMMUNICATIONS
& CONSUMER ISSUES BRANCH
ROOM 4101
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JEFFREY LO
ASIAN LAW CAUCUS
939 MARKET STREET, SUITE 201
SAN FRANCISCO, CA 94103

JOSE E. GUZMAN, JR.
NOSSAMAN GUTHNER KNOX
& ELLIOTT LLP
50 CALIFORNIA STREET, 34TH FLOOR
SAN FRANCISCO, CA 94111-4799

JEFFREY SINSHEIMER
CALIFORNIA CABLE
& TELECOMMUNICATIONS
360 22ND STREET, 750
OAKLAND, CA 94612

JOSEPH S. FABER, ATTORNEY AT LAW
LAW OFFICE OF JOSEPH S. FABER
3527 MT. DIABLO BLVD., SUITE 287
LAFAYETTE, CA 94549

KATIE NELSON
DAVIS WRIGHT TREMAINE, LLP
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO, CA 94111-6533

KELLY E. BOYD
NOSSAMAN,GUTHNER,KNOX AND ELLIOTT
915 L STREET, SUITE 1000
SACRAMENTO, CA 95814

KEN SIMMONS
ACTING GENERAL MANAGER
INFORMATION TECHNOLOGY AGENCY
CITY HALL EAST, ROOM 1400
200 N. MAIN STREET
LOS ANGELES, CA 90012

KIMBERLY M. KIRBY
ATTORNEY AT LAW
MEDIASPORTSCOM P.C.
3 PARK PLAZA, SUITE 1650
IRVINE, CA 92614

JONATHAN L. KRAMER
ATTORNEY AT LAW
KRAMER TELECOM LAW FIRM
2001 S. BARRINGTON AVE., SUITE 306
LOS ANGELES, CA 90025

KEVIN SAVILLE
ASSOCIATE GENERAL COUNSEL
CITIZENS/FRONTIER COMMUNICATIONS
2378 WILSHIRE BLVD.
MOUND, MN 55364

ROBERT LEHMAN
CALIF PUBLIC UTILITIES COMMISSION
TELECOMMUNICATIONS
& CONSUMER ISSUES BRANCH
ROOM 4102
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

LONNIE ELDRIDGE
DEPUTY CITY ATTORNEY
CITY ATTORNEY'S OFFICE
CITY HALL EAST, SUITE 700
200 N. MAIN STREET
LOS ANGELES, CA 90012

ALEXIS K. WODTKE, ATTORNEY AT LAW
CONSUMER FEDERATION
OF CALIFORNIA (CFC)
520 S. EL CAMINO REAL, STE. 340
SAN MATEO, CA 94402

LESLA LEHTONEN, VP LEGAL &
REGULATORY AFFAIRS
CALIFORNIA CABLE
TELEVISION ASSOCIATION
360 22ND STREET, NO. 750
OAKLAND, CA 94612

MAGGLE HEALY
CITY OF REDONDO BEACH
415 DIAMOND STREET
REDONDO BEACH, CA 90277

MALCOLM YEUNG, STAFF ATTORNEY
ASIAN LAW CAUCUS
939 MARKET ST., SUITE 201
SAN FRANCISCO, CA 94103

MARK T. BOEHME,
ASSISTANT CITY ATTORNEY
CITY OF CONCORD
1950 PARKSIDE DRIVE
CONCORD, CA 94510

MARK RUTLEDGE
TELECOMMUNICATIONS FELLOW
THE GREENLINING INSTITUTE
1918 UNIVERSITY AVENUE, SECOND FLR.
BERKELEY, CA 94704

MICHAEL OCHOA
CALIF PUBLIC UTILITIES COMMISSION
TELECOMMUNICATIONS
& CONSUMER ISSUES BRANCH
ROOM 4102
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MARIE C. MALLIETT
THE COMMUNICATIONS WORKERS
OF AMERICA
2870 GATEWAY OAKS DRIVE, SUITE 100
SACRAMENTO, CA 95833-3509

MARIA POLITZER
LEGAL DEPARTMENT ASSOCIATE
CALIFORNIA CABLE
TELEVISION ASSOCIATION
360 22ND STREET, NO. 750
OAKLAND, CA 94612

AARON C. HARP
OFFICE OF THE CITY ATTORNEY
CITY OF NEWPORT BEACH
3300 NEWPORT BLVD
NEWPORT BEACH, CA 92658-8915

PETER A. CASCIATO
A PROFESSIONAL CORPORATION
355 BRYANT STREET, SUITE 410
SAN FRANCISCO, CA 94107

PETER DRAGOVICH
ASSISTANT TO THE CITY MANAGER
CITY OF CONCORD
1950 PARKSIDE DRIVE, MS 01/A
CONCORD, CA 94519

PHILIP KAMLARZ
CITY OF BERKELEY
2180 MILVIA STREET
BERKELEY, CA 94704

PATRICK WHITNELL
LEAGUE OF CALIFORNIA CITIES
1400 K STREET
SACRAMENTO, CA 95814

RANDY CHINN
SENATE ENERGY UTILITIES
& COMMUNICATIONS
STATE CAPITOL, ROOM 4040
SACRAMENTO, CA 95814

REGINA COSTA
THE UTILITY REFORM NETWORK
711 VAN NESS AVENUE, SUITE 350
SAN FRANCISCO, CA 94102

RANDLOPH W. DEUTSCH
SIDLEY AUSTIN LLP
555 CALIFORNIA STREET, SUITE 2000
SAN FRANCISCO, CA 94104

ROBERT GNAIZDA, POLICY
DIRECTOR/GENERAL COUNSEL
THE GREENLINING INSTITUTE
1918 UNIVERSITY AVENUE, SECOND FLOOR
BERKELEY, CA 94704

ROY MORALES
CHIEF LEGISLATIVE ANALYST
CIYT OF LOS ANGELES
CITY HALL
200 N. SPRING STREET, 2ND FLOOR
LOS ANGELES, CA 90012

ROBERT A. RYAN, COUNTY COUNSEL
COUNTY OF SACRAMENTO
700 H STREET, SUITE 2650
SACRAMENTO, CA 95814

SINDY J. YUN
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 4300
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

STEVEN LASTOMIRSKY
DEPUTY CITY ATTORNEY
CITY OF SAN DIEGO
1200 THIRD AVENUE, 11TH FLOOR
SAN DIEGO, CA 92101

SCOTT MCKOWN
C/O CONT OF MARIN ISTD
MARIN TELECOMMUNICATION AGENCY
371 BEL MARIN KEYS BOULEVARD
NOVATO, CA 94941

SUE BUSKE
THE BUSKE GROUP
3001 J STREET, SUITE 201
SACRAMENTO, CA 95816

SUSAN WILSON, DEPUTY CITY ATTORNEY
RIVERSIDE CITY ATTORNEY'S OFFICE
3900 MAIN STREET, 5TH FLOOR
RIVERSIDE, CA 92522

SYREETA GIBBS
AT&T CALIFORNIA
525 MARKET STREET, 19TH FLOOR
SAN FRANCISCO, CA 94105

THALIA N.C. GONZALEZ, LEGAL COUNSEL
THE GREENLINING INSTITUTE
1918 UNIVERSITY AVE., 2ND FLOOR
BERKELEY, CA 94704

TRACEY L. HAUSE, ADMINISTRATIVE
SERVICES DIRECTOR
CITY OF ARCADIA
240 W. HUNTINGTON DRIVE
ARCADIA, CA 91007

TOM SELHORST
AT&T CALIFORNIA
525 MARKET STREET, 2023
SAN FRANCISCO, CA 94105

TIMOTHY J. SULLIVAN
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5204
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

WILLIAM JOHNSTON
CALIF PUBLIC UTILITIES COMMISSION
TELECOMMUNICATIONS & CONSUMER
ISSUES BRANCH
ROOM 4101
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

WILLIAM IMPERIAL
TELECOMMUNICATIONS REG. OFFICER
INFORMATION TECHNOLOGY AGENCY
CITY HALL EAST, ROOM 1255
200 N. MAIN STREET
LOS ANGELES, CA 90012

WILLIAM K. SANDERS
DEPUTY CITY ATTORNEY
OFFICE OF THE CITY ATTORNEY
1 DR. CARLTON B. GOODLETT PLACE
ROOM 234
SAN FRANCISCO, CA 94102-4682

WILLIAM H. WEBER, ATTORNEY AT LAW
CBEYOND COMMUNICATIONS
320 INTERSTATE NORTH PARKWAY
ATLANTA, GA 30339

WILLIAM L. LOWERY
MILLER VAN EATON, LLP
400 MONTGOMERY STREET, SUITE 501
SAN FRANCISCO, CA 94121

ROB WISHNER
CITY OF WALNUT
21201 LA PUENTE ROAD
WALNUT, CA 91789